

1 JOSEPH P. RUSSONIELLO (SBN 44332)
2 United States Attorney
3 JOANN M. SWANSON (SBN 88143)
4 Chief, Civil Division
5 MICHAEL T. PYLE (SBN 172954)
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055
8 San Francisco, CA 94102-3495
9 Telephone: 415 436-7322
10 Fax: 415 436-6748
11 Email: michael.t.pyle@usdoj.gov

12 Attorneys for Defendant

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 HAROLD BLACK,

17 Plaintiff,

18 v.

19 JOHN E. POTTER, Postmaster General,

20 Defendant.

Docket No. No. C 08-1344 SI

E-FILING CASE

**STIPULATION AND [PROPOSED]
ORDER RE DISCOVERY AND
SUMMARY JUDGMENT MOTION**

21 Plaintiff and Defendant, by and through their undersigned attorneys, hereby enter into
22 the following stipulation and request its approval by the Court.

23 WHEREAS the deposition of third party Bob Williamson did not take place until
24 February 26, 2010 and will take approximately 10 days for a transcript to be prepared.

25 WHEREAS Plaintiff took a 30(b)(6) deposition of defendant and the parties thereafter
26 agreed that certain questions would be answered in writing by defendant rather than in
27 deposition and that defendant will not be able to complete the written response until March 5,
28 2010.

WHEREAS the fact discovery cut off is February 27, 2010 and the deadline for
defendant to move for summary judgment is March 5, 2010.

ACCORDINGLY, the parties agree that defendant should have until March 5, 2010 to respond to the written questions noted above, that any motion to compel further discovery responses should be 10 days from receipt of the discovery at issue, and that the schedule for summary judgment briefing and hearing should be continued by approximately two weeks.

Respectfully submitted,

DATED: February 26, 2010

/s/
VANCE WOODWARD
Carroll, Burdick & McDonough LLP
Attorneys for Plaintiff

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: February 26, 2010


/s/

MICHAEL T. PYLE
Assistant U.S. Attorney
Attorneys for Defendant

PURSUANT TO STIPULATION, IT IS SO ORDERED:

1. Defendant shall have until March 5, 2010 to respond to the written questions posed by Plaintiff in lieu of being asked at a 30(b)(6) deposition;
2. Any motion to compel further discovery responses shall be 10 days from receipt of the discovery at issue; and
3. The summary judgment schedule is modified so that Defendant's motion is due to be filed on or before March 19, 2010, Plaintiff's opposition papers are due on or before April 2, 2010, Defendant's reply papers are due April 9, 2010 and the hearing will be held on April 23, 2010 at 9 a.m. (instead of April 9, 2010 at 9 a.m.).

DATED:


The Honorable Susan Illston
United States District Court Judge